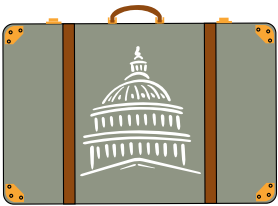


# IDAHO Supreme Court

## JUDICIAL/ADMINISTRATIVE NEWS

JANUARY 2003

### Chief Justice Visits Ada, Eastern Idaho Courts



Chief Justice Linda Copple Trout, continuing her traditional practice of regular visits with court and policy officials across Idaho, recently visited the new Ada County Family Violence Court as well as mental health and drug courts in eastern Idaho.

The Chief Justice visited Judge Lowell Castleton's Ada County Family Violence Court on December 18 and discussed its mission and progress with various court officials. The Chief Justice also discussed legislative issues likely to come before the new legislature with State Senate President Pro Tem Robert Geddes of Soda Springs, and Senate Majority Leader Bart Davis, Idaho Falls.

On December 19, the Chief Justice visited Bonneville and Bingham Counties. Her itinerary there included a visit with Mental Health Court Presiding Judges Brent Moss and Richard St. Clair and court staff in Idaho Falls, a conference with Bonneville County Commissioners, a luncheon meeting with area legislators and judges, and a visit to the Bingham county Felony Drug Court where Judge Jon Shindurling was presiding.

### Legislative Leadership Announced

Idaho Legislators have settled on their leaders for the legislative session that begins in early January. House Speaker Bruce Newcomb will continue in his position but will be joined by an entirely new leadership team including Majority Leader Lawrence Denney, Assistant Majority Leader Mike Moyle, and Caucus Chair Julie Ellsworth.

The Senate will again be led by President Pro Tem Robert Geddes, who will also have an entirely new supporting team including, Majority Leader Bart Davis, Assistant Majority Leader Joe Stegner, and Caucus Chair Brad Little.

Democratic leadership in both houses remained largely unchanged from last year.

Senator Denton Darrington will continue to chair the Senate Judiciary and Rules Committee, while Representative Debbie Field will take over as chair of the House Judiciary, Rules and Administration Committee.

For a complete list of the House committee assignments, see:  
<http://www2.state.id.us/legislat/hcommit.html>

For a complete list of the Senate committee assignments, see:  
<http://www2.state.id.us/legislat/scommit.html>

### Drug Endangered Children

Payette County Magistrate Judge Lynne Krogh attended the Idaho State Police's November 21st organizational meeting for a new team to deal with cases involving drug endangered children. The organizational group is developing a statewide protocol to be used by a multi-disciplinary team to assist children who are found in and around hazardous environments, such as meth labs.

### Campaign Financing Recommendations Offered

The legislative Task Force on the financing of judicial elections has completed its work and issued a series of recommendations, including:

- ⚖️ Proposed legislation to amend Section 67-6611, Idaho Code. The proposed legislation would require additional reporting requirements for certain independent expenditures made after the sixteenth day before, but more than forty-eight hours before, any primary or general election.



- ⚖ In addition, the task force also recommended to the Legislative Council the formation of an interim committee to undertake and complete a study of all relevant issues relating to campaign financing for judicial elections as well as alternative methods for the selection/election of judges.

To read the entire final report of the Task Force or minutes from its meetings, go to:

<http://www2.state.id.us/legislat/02intcom.html#campaign>

## New Senior and Traveling Sitting Judge Policy

The Supreme Court adopted a New Senior Judge and Traveling Sitting Judge Policy Manual on November 21, 2002, and adopted the following changes to the Plan B Rules for Judicial Retirement:

- ⚖ Section 3.2 - Provides some information the Supreme Court will consider in reviewing a judge's application for Plan B service
- ⚖ Section 8.7 - Now includes a provision regarding the 30-day Rule
- ⚖ Section 8.9 is a new section which requires the Plan B Judge to advise the Administrative Director of any act that would cause them to be ineligible for Plan B service
- ⚖ A new form JRB 1A - Application For Designation as Plan B Senior Judge
- ⚖ A new Form C, which MUST be used when requesting compensation effective immediately (the form needs to be faxed to Court Services or e-mailed to Corrie Keller at [ckeller@isc.state.id.us](mailto:ckeller@isc.state.id.us).)

Both manuals were transmitted via the district news and will also be available on the next update of the Judges CD.

## Orders/Rules



### New Orders / Rule Changes:

<http://www2.state.id.us/judicial/new.htm>.

### Amendment of I.C.R. 46(d) Rule 46.

Bail or release on own recognizance / (d) Bail, form, conditions and place of deposit:

[http://www2.state.id.us/judicial/icr46\(d\).htm](http://www2.state.id.us/judicial/icr46(d).htm).

### Renumbering of I.R.C.P. order

re: regarding small lawsuit resolution procedures as a permanent rule implementing this Act:

<http://www2.state.id.us/judicial/ircp87.htm>.

### Small Claims Forms Amended

For the new order amending Small Claims forms regarding the affidavit of service and order dismissing claim without prejudice – lack of service, go to:

<http://www2.state.id.us/judicial/smalclm1.htm>

## Important Websites

- ⚖ Idaho Supreme Court: [www2.state.id.us/judicial/](http://www2.state.id.us/judicial/)
- ⚖ Idaho State Law Library: [www2.state.id.us/lawlib/lawlib.html](http://www2.state.id.us/lawlib/lawlib.html)
- ⚖ Idaho State Bar: [www2.state.id.us/isb](http://www2.state.id.us/isb)
- ⚖ Court Assistance Offices: [www2.state.id.us/cao](http://www2.state.id.us/cao)
- ⚖ Idaho Law Foundation 2001 – 2002 Annual Report Online: [http://www2.state.id.us/isb/gen/ilf\\_info.htm#Annual](http://www2.state.id.us/isb/gen/ilf_info.htm#Annual)
- ⚖ National Center for State Courts: [ncsconline.org](http://ncsconline.org)



### WEBSITES OF INTEREST

#### Senator John McCain Decries Special Interest Influence On Judicial Campaigns

See the article on Justice At Stake's website:

<http://www.justiceatstake.org/>

# Odds & Ends

## State Justice Institute's Final FY 2003 Grant Guideline



The State Justice Institute's (SJI's) Final FY 2003 Grant Guideline is available for browsing or downloading on the Institute's web site ([www.statejustice.org](http://www.statejustice.org)).

A summary of all the Institute's match requirements may be found in the preamble, and in the tutorials on the web site. The deadline for submitting Project Grant applications is February 7, 2003. Five areas of consideration

include: technology, children & families in the courts, access to the courts, state-federal relations, and judicial branch education. Applications for Technical Assistance Grants, Judicial Branch Education Technical Assistance Grants, and Scholarships may be submitted at any time during the year.

**Note:** If you have an interest in this grant, please contact Corrie Keller or Patti Tobias to facilitate coordination of applications.

## Former Governor Wants Discretion for Judges

Former Idaho chief executive Phil Batt is calling for more sentencing discretion for Idaho judges. For more on Batt's comments go to:

<http://www.spokesmanreview.com/news-story.asp?date=120502&ID=s1267804&cat=section.idaho>

## ISP Director E.D. Strickfaden Announces Retirement

Colonel E. D. Strickfaden announced that he will retire after 35 years of service, effective 12/31/02. More on his announcement at:

<http://www.isp.state.id.us/StrickfadenRetirement.pdf>.

## "Boise County Community Justice" Video Premiere

Judge Patricia Young and Community Justice Director Shirley Perkins recently hosted a premiere showing of the "Boise County Community Justice" video, which was funded by the U.S. Department of Justice and narrated by Bruce Reichert, the well-known host of "Outdoor Idaho" and other programs on Idaho Public Television.

For more information about the video, contact Delores Campbell at the Boise County Community Justice office 208-392-6767.

## Clerks Manual CD – Question of the Month



I am a new clerk and want to know what the term "expungement" means. What Clerks Manual CD section would give me the answer?

Be the first to submit the correct answer to [sharonburke@rmci.net](mailto:sharonburke@rmci.net) and win a prize!

## Congratulations to Jodi Nye!!

Congratulations to our December Winner – Jodi Nye from Minidoka County – who correctly identified Section 6.19.4 as containing information on legal advice.

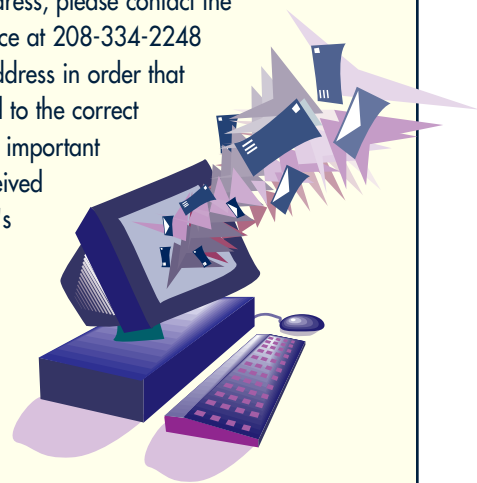
## Legal Services Information Training Held

A Legal Services Referral Training session was presented by Idaho State Bar and Idaho Law Foundation, Inc. and Legal Services Advisory Council in November at the University of Idaho College of Law in Moscow and other sites throughout Idaho. The purpose of the training was to provide consistent and accurate information about available services to staff members who are responsible for answering and directing calls from individuals seeking legal assistance. There were over 200 participants in attendance.

## News From COURT SERVICES

### Double-Check your Mailing Address for W-2s

The Court Services Office asks that you please double-check the accuracy of the mailing address on your January 2, 2003 paystub. If this address is not your current mailing address, please contact the Court Services Office at 208-334-2248 with an updated address in order that your W-2 is mailed to the correct address once those important documents are received from the Controller's Office.





## A round-up of judicial personnel making news across Idaho

### Reception for new 4th District TCA

Ada County held a lunch reception on November 18 to welcome Larry Reiner, the new Trial Court Administrator for the 4th Judicial District.

### Stoker Named Twin Falls Magistrate

The Fifth District Magistrate Commission has selected Twin Falls attorney Randy J. Stoker as a Twin Falls County Magistrate. He will fill the position that will be vacated by Judge Michael Redman who retires in January 2003.

Stoker has been in private practice in Twin Falls, has served as the Twin Falls Public Defender, the Jerome County Public Defender, and as a deputy Idaho Attorney General. He graduated from the University of Idaho with a BS in Economics and later earned his law degree at the University.

### Jefferson Clerk Retires

Jefferson County recently honored the service of long-time elected Clerk and Recorder Connie Keller. She is retiring from the Clerks office when her term expires in January.

### New Clerks to be Welcomed

Several new clerks will be welcomed to office during the upcoming judges and clerks conference in February. The new clerks are:

- ⚖️ Peggy Delang-White – Shoshone
- ⚖️ Charlotte Sherburn – Owyhee
- ⚖️ Betty Dressen – Payette
- ⚖️ Larry Mickelsen – Cassia
- ⚖️ Sara Staub – Bingham
- ⚖️ Christine Boulter – Jefferson County
- ⚖️ Trilby McAfee, Butte County

### Judge Carlson Dies December 17th

Butte County Magistrate Judge William Carlson, who was scheduled to retire soon, died on December 17 in Arco. Services for the long-time jurist were held at the Arco LDS Ward. The Judge had been the guest

of honor just days earlier at a event recognizing his years of dedicated services to the judiciary in Idaho.

Sincere condolences go out to his family and many friends.

### Judge Redman Honored

The 5th Judicial District honored retiring Magistrate Judge R. Michael Redman at a reception on December 27, for his 24 years of service to the Judiciary. The reception was held in the Theron Ward Judicial Building.

### Reception Honors Judge Goff

Retiring 3rd District Judge Dennis Goff was also honored in December during a reception at the Canyon County Courthouse in Caldwell.

### Lansing Appointed Chief of the Court of Appeals

The Chief Justice appointed Judge Karen Lansing as Chief Judge of the Court of Appeals for a period of two years, effective January 1, 2003. Chief Judge Darrel Perry has held this position for the past two years.

### Mike Oths Named Ada County Magistrate Judge

The Ada County Magistrate Commission has announced that Mike Oths, currently Counsel for the Idaho State Bar, has been selected to fill the magistrate judge position formerly held by Judge Richard Grant, who retired in October. Oths will be sworn in February 3, 2003.



### Drug Court Coordinating Committee Awards

On December 13, 2002, the Drug Court Coordinating Committee honored Representative Gary Young with a Certificate of Appreciation and a "Mr. Goodbar" for his work and contributions to the development and implementation of Drug Courts in Idaho. Commissioner Valerie Hoytberg will also be receiving a Certificate of Appreciation and "Mr. Goodbar" for her contributions.



*Justice Daniel Eismann presents award to former Representative Gary Young.*

# JUDICIAL EDUCATION

## 2003 Clerks/Judges Conference

The 2003 Clerks and Judges Conference is scheduled at the Idaho Supreme Court for Monday, February 3. The conference is held in coordination with the Idaho Association of Counties Winter Meeting.

A morning orientation session is planned for newly Elected Clerks. All Elected Clerks, Trial Court Administrators and Administrative District Judges – along with the Supreme Court Justices – will gather in the afternoon. Administrative District Judges should plan to attend the afternoon session and Trial Court Administrators should plan to attend all day.

If you have any suggestions or questions, please contact Jan Walters at 208-947-7590 or email to [janwalters@isc.state.id.us](mailto:janwalters@isc.state.id.us).

## 2003 Idaho Institute for Court Management

The Idaho Court Management Institute (IICM) will take place on April 9-11, 2003 at the Double Tree Riverside in Boise.

A Supervisory/Management Workshop, facilitated by Terry Curry from Michigan State University, will be held on Tuesday, April 8th, concurrently with the New Clerk Orientation. Lodging scholarships will be provided to each county to offset costs and maximize statewide participation in this valuable training opportunity.

The Clerks Manual and Training Committee has developed an outstanding agenda including sessions with the Department of Transportation, Department of Correction, Department of Juvenile Corrections, and the Idaho State Police and Sheriff's Association.

Training will be available for Word Processing, No Contact Orders, Small Lawsuit Resolution Act, Child Protection Act/Adoption & Safe Families Act, Working with Juries, New ISTARS, and CLASS Training, among others.

For more information, contact Jan Walters at [janwalters@isc.state.id.us](mailto:janwalters@isc.state.id.us) or 208-947-7466 or Sharon Burke at [sburke@rmci.net](mailto:sburke@rmci.net) or 208-850-5680. Look for registration information soon.

## Professor Chemerinsky Returning to Idaho

Professor Erwin Chemerinsky will present recent U. S. Supreme Court Decisions, utilizing distance-learning technology, on July 25, 2003 at six or seven Idaho sites. All judges, court administrators, and law clerks are invited to attend, as well as prosecuting attorneys and public defenders, room permitting.

Watch for more details in an upcoming edition of this newsletter.





# Technology/ISTARS



## The Register of Actions as a Tool

It is a time of change in Idaho currently because of the use of two ISTARS systems. Both versions of ISTARS use the Register of Actions and ROA codes to docket documents. In the first version of ISTARS the ROA is also used as a means to provide "CLASS" reporting. As a result, it has been necessary to use specific codes to queue certain messages of case status to "CLASS".

In the new version of ISTARS, the case status and case tracking system has been changed. What that means is that codes like FJDE, and DPHR that meant specific things in the original ISTARS do not function the same way in the new system.

Additionally, in the new version of ISTARS the CLASS reports are now known as the Idaho Supreme Court Reports. Those reports gather statistics about the cases directly from the case status line in the case.

Invariably the question comes up in training a new clerk, "Do we have to use those same codes for disposition." The answer is not for the reasons you did before. In other words, someone from the "Supreme Court" will not call you and question you on the status of the case if a certain ROA code is not used. (The exception will be the new SLRA codes just added.) Remember though, that the purpose of the ROA is to track information about court proceedings. Whatever ROA codes you use, it is the responsibility of the clerk to verify that the ROA reflects what has happened with the case.

In the foreseeable future it may be possible that the entire contents of the ROA may be available to the public by way of the Internet. Bearing that in mind it is important that ROA entries need to be complete and professional. Things should not be put in the ROA of a case that would be detrimental to any party on a case. (It is not planned that sealed cases will be displayed to the public via the Internet. They may however be viewable to other courts throughout the state.)

Keep this in mind if you are inclined to use the ROA as a place to list the names of minor victims or other comments that would not be appropriate for public display.

## Driving Records Available On-line

The Idaho Transportation Department (ITD) has made full Idaho driving records available on the Internet to judges and authorized court staff. This is a free service provided by the Department.



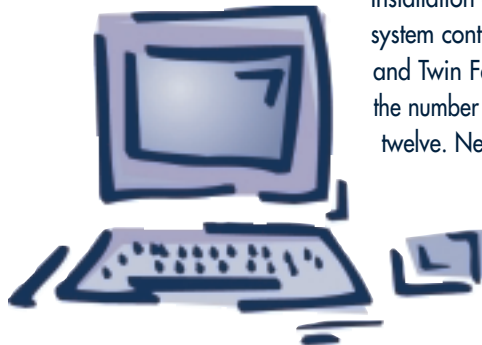
Driving records access via the Internet contain identical information and the same coding as driving records obtained directly from Driver's Services, with the added advantage of being current as of the time the record is accessed.

ITD is encouraging the courts to accept a print-out of the driving record from the Internet in lieu of a certified copy of the driver's record obtained from Driver's Services.

For enrollment information, contact Becky Davis, ITD Information Technology Production Specialist at 208-334-8712.

## New ISTARS Installations Continue

Installation of the new ISTARS system continues, with Bannock and Twin Falls counties bringing the number of completed counties to twelve. Next in line for installation is Bingham County.



**JUDICIAL/ADMINISTRATIVE NEWS**  
is published by the Idaho Supreme Court.

Chief Justice Linda Copple Trout

Justice Gerald F. Schroeder

Justice Jesse R. Walters, Jr.

Justice Wayne L. Kidwell

Justice Daniel T. Eismann

We are very interested in your news and information. If you have or are aware of items that should be featured in a future edition of Judicial/Administrative News please let us know!

News items may be submitted for publication to Patricia Tobias:

**451 West State St.**  
**Boise, ID 83702**  
**Phone: 208-334-2246**  
**FAX: 208-947-7590**  
**E-mail: [ptobias@isc.state.id.us](mailto:ptobias@isc.state.id.us)**

Thanks!



**Note:** For the most up-to-date Judicial Calendar,  
check the Judiciary's homepage at  
[www2.state.id.us/judicial/calendar.htm](http://www2.state.id.us/judicial/calendar.htm)

